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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement* submitted by North South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

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* This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.01-10396 (E)

European Charter of Fundamental Rights

1. At its Nice Summit, the European Union adopted by consensus the Charter of Fundamental Rights.

In the area of civil and political rights, the Charter sets forth the right to dignity, the right to life and the rejection of the death penalty, providing the beginnings of an authentically European conception of rights and sovereignty.

2. However, the Charter is extremely weak on social rights, and even represents a setback in comparison with the 1966 International Covenant on Economic, Social and Cultural Rights, many of the ILO Conventions, the 1995 Declaration on Social Development and the national legislation of several member States of the European Union.

3. The fundamental principles of international law, beginning with the Charter of the United Nations, which are binding on all Member States, are not included. The rights to peace, development and self-determination of peoples (including the right to withdraw for States engaged in the European integration process) have deliberately been left out. The question of immigration and of relations with developing countries is not even mentioned, whereas the struggle for equal rights among all citizens in Europe, whatever their nationality or origin, and of all peoples, is a principle of fundamental importance. Europe appears as ethnocentric, security-obsessed and indifferent to the important problems of the twenty-first century.

The Charter fails to mention the conclusions of the 1993 Vienna Declaration, which confirm the indivisible and indissociable nature of all human rights and rights of peoples. It embodies the narrowest neoliberal concepts: the Maastricht conception of the market and of Europe are incompatible with fundamental social rights and their implementation.

4. The complete lack of reference to the Charter of the United Nations or to international declarations and conventions, which seems to be deliberate (only one of them is mentioned, the 1951 Convention relating to the Status of Refugees) reflects a mistrust of international law, in particular the human rights instruments, and is thus a step backwards. The United Nations Commission on Human Rights should bring its assessment of the new Charter of Fundamental Rights to the attention of the European Union, which claims to be a model of democracy, and should remind it of the needs of the countries of the South and of the fundamental right to development in the context of globalization, which is a threat to all freedoms and a source of inequality among peoples.